

Introduced by Senators Maldonado and Denham

February 26, 2009

An act to add Section 17321 to the Family Code, relating to child support services.

LEGISLATIVE COUNSEL'S DIGEST

SB 494, as introduced, Maldonado. Department of Child Support Services: electronic communications.

Existing law establishes the Department of Child Support Services to administer all services and perform all functions necessary to establish, collect, and distribute child support.

This bill would require the department to provide any notice form, information, or document, without limitation, that is required or authorized to be given, distributed, or provided to an individual, a customer, or a member of the public to be given, distributed, or provided in a digitized form, and by any means the department determines is feasible, including, but not limited to, e-mail or by means of an Internet Web site, except as specified. This provision would not take effect until the department makes a specified determination.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds that the cost of operating
- 2 the state child support program has risen, resources are limited,
- 3 and government must find ways to provide services more
- 4 efficiently. Internet services, e-mail communication, and text
- 5 messaging all provide a means to improve timely communication,

1 while reducing expenses associated with printing and mailing.
2 Electronic communications further help reduce the need for
3 recycling and the need for waste management and are consistent
4 with the goal of reducing greenhouse gases.

5 SEC. 2. Section 17321 is added to the Family Code, to read:

6 17321. (a) Notwithstanding any other provision of law, any
7 notice, form, information, or document, without limitation, required
8 or allowed to be given, distributed, or provided, to an individual,
9 a customer, or a member of the public pursuant to this chapter,
10 shall be given, distributed or provided to that person in a digitized
11 form and transmitted to that person by any means the Department
12 of Child Support Services determines is feasible, including, but
13 not limited to, e-mail, including attachments to e-mail in any form
14 widely used, or by means of an Internet Web site that is accessible
15 to the person, except as otherwise provided in this section. If
16 documents are provided by access to an Internet Web site, the
17 person may be allowed to elect to receive notice of new documents
18 by e-mail, text messaging, or other means approved by the
19 department. Whenever a document or notice is given to a person
20 in a digitized form, that document or notice shall be in lieu of any
21 paper or hardcopy notice otherwise required to be provided.

22 (b) This section shall not be construed to authorize service of
23 any legal document required by law to be served on a person by
24 personal service.

25 (c) A person who is eligible for or is receiving services from
26 the Department of Child Support Services may elect to receive all
27 papers and documents via mail or nonelectronic methods if that
28 person affirms that he or she does not have regular access to e-mail
29 or equipment necessary to receive digitized notices and documents.

30 (d) This section shall not take effect until the Department of
31 Child Support Services determines that the State Child Support
32 Enforcement System is capable of effectively complying with this
33 section. No provision of this section shall be deemed to mandate
34 that specific services be provided, or that specific requirements be
35 met if the department determines that compliance is not feasible.
36 The department may adopt regulations as appropriate for the
37 implementation of this section.